

### **Remarks**

Claims 19-40 were pending in this application. Claims 19 and 40 have been amended, claim 32 has been canceled herein without prejudice, and no new claims have been added.

Applicants wish to thank the Examiner for extending the courtesy of a telephone interview on June 25, 2007. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

#### **Rejection of Claims Under 35 U.S.C. § 112, first paragraph**

Claims 19-40 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that Applicants generically claim the use of a “substrate” but that the specification does not contain an adequate description for the entire scope of this limitation and thus the claims (Office Action, p. 2). Applicants respectfully traverse this rejection. As discussed during the telephone interview, Applicants assert that the specification (e.g., p. 9, lines 3-7) defines a “substrate” suitable for the invention. Furthermore, claims 19 and 40 recite “providing fibroblast cells on the substrate without disposing the cells within an exogenous scaffold material”, further defining what is meant by a “substrate” according to Applicants’ claimed invention. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. § 112, second paragraph**

Claims 19-40 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserts that the specification defines an invention that requires two separate culturing steps (Office Action, p. 4). Applicants have amended independent claims 19 and 40 to recite “culturing the fibroblast cells *in vitro*, including disposing the fibroblast cells in a growth medium prior to becoming confluent and disposing the fibroblast cells in a differentiation medium after becoming confluent, such that the

fibroblast cells detach from the substrate and form a three-dimensional tendon construct.” Support for this amendment can be found, for example, in canceled claim 32. This amendment is being made solely for purposes of addressing the rejection under 35 U.S.C. § 112. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.


### **Conclusion**

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

No fees are believed to be due in connection with this paper. Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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